

State of South Dakota

SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

273J0768

SENATE ENGROSSED NO. **HCR 1012** - 02/21/2004

Introduced by: Representatives Olson (Mel), Bartling, Garnos, Hackl, Hargens, Miles, Pederson (Gordon), Solum, Weems, and Wick and Senators McCracken, Apa, Dempster, Duxbury, Greenfield, Moore, Olson (Ed), and Symens

1 A CONCURRENT RESOLUTION, Requesting the Federal Communications Commission to
2 reconsider its order on local number portability.

3 WHEREAS, on November 24, 2003, landline local exchange carriers in the nation's largest
4 one hundred metropolitan areas began implementing local number portability between wireline
5 and wireless services, a system that allows subscribers to transfer their telecommunications
6 service from their incumbent landline local exchange carrier to a wireless telecommunications
7 company so the subscribers can receive calls on their wireless handsets using their existing local
8 telephone number; and

9 WHEREAS, the Federal Communications Commission (FCC) has by order mandated that
10 this local number portability be available throughout all areas of the United States on May 24,
11 2004; and

12 WHEREAS, under the FCC's order, the landline local exchange carrier may be responsible
13 for the costs of transporting all calls from the fixed location of a local telephone number to
14 wherever the subscriber's wireless handset may be located; and

15 WHEREAS, these costs may be substantial and unduly burdensome to the rural local



1 exchange carriers in South Dakota and their subscribers; and

2 WHEREAS, in ordering this local number portability the FCC failed to consider the
3 substantial differences existing between the local calling areas established for rural local
4 exchange carriers and the local calling areas offered by larger wireless carriers; and

5 WHEREAS, the FCC has not ordered that wireless carriers must provide similar local
6 number portability and allow for the transfer of wireless telephone numbers to a landline
7 telephone service and consequently, has not established a local number portability requirement
8 that is competitively neutral; and

9 WHEREAS, it was premature of the Federal Communications Commission to adopt its
10 order without first updating regulations for network access charges and offering reforms to its
11 existing federal universal service mechanisms:

12 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Seventy-
13 ninth Legislature of the State of South Dakota, the Senate concurring therein, that the
14 Legislature of the State of South Dakota hereby affirms its support for the portability of local
15 phone numbers but requests the Federal Communications Commission to address concerns
16 about the negative impacts on rural, landline, local exchange carriers, and their subscribers; and

17 BE IT FURTHER RESOLVED, that the Federal Communications Commission be
18 encouraged to implement substantive changes to universal service and network access charges
19 that will keep telecommunications service affordable for consumers in all areas of South
20 Dakota.